

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No.: 8,102,457
Inventor: Eric C. Anderson
Application Serial No.: 09/213,131
Application Filing Date: December 15, 1998
Issue Date: January 24, 2012

Confirmation No.: 7384
Art Unit: 2622
Examiner: Aggarwal, Yogesh K.

Title: METHOD AND APPARATUS FOR CORRECTING ASPECT RATIO IN A
CAMERA GRAPHICAL USER INTERFACE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT IN RESPONSE TO DECISION ON PETITIONS DATED NOVEMBER 29,
2012 ON PATENT OWNER'S PETITIONS UNDER 37 CFR 1.182 TO REPLACE AN
INFORMATION DISCLOSURE STATEMENT (IDS)**

Background of Filing of HTC's Statement

In the "Decision on Petitions" mailed November 29, 2012, third party requester HTC Corporation and HTC America (collectively "HTC") was directed to state whether "HTC's 666 page confidential document labeled as "HTC id:01" and identified as item number 29 in the original IDS has not otherwise been made public." HTC hereby responds as follows.

HTC's Statement

HTC has never made public any copy or version of HTC's 666 page confidential document labeled as "HTC id:01" and identified as item number 29 in the original IDS. However, FlashPoint filed a copy of that document with the U.S. International Trade Commission ("ITC") causing it to be made public. Specifically, on or about May 23, 2012, FlashPoint filed a Complaint with the ITC asserting certain patents against HTC and others including U.S. Pat. No. 6,223,190. FlashPoint is required by the ITC's rules to file copies of the file history, including reexamination proceedings, and cited references for each of the patents it is asserting in its Complaint. However, FlashPoint had previously submitted certain confidential documents to the U.S. Patent and Trademark Office ("USPTO") from a prior ITC matter against HTC in error during a reexamination of U.S. Pat. No. 6,223,190. Among the confidential

documents erroneously filed with the USPTO during reexamination of asserted U.S. Pat. No. 6,223,190 was HTC's 666 page document. Thus, when FlashPoint publicly filed copies of the file histories and reexamination histories for the asserted patents with the ITC with its Complaint on May 23, 2012, it also filed and made publicly available copies of HTC's 666 page document.

To the best knowledge of HTC, the HTC's 666 page document was publicly available via the ITC's Electronic Document Information System ("EDIS") from approximately May 23, 2012 until approximately August 10, 2012, after HTC discovered the error and brought it to the attention of FlashPoint, who took corrective steps to have it removed from public accessibility. In addition, FlashPoint has reported to the ITC that, before the error was discovered, a copy of HTC's 666 page confidential document labeled as "HTC id:01" and identified as item number 29 in the original IDS, was obtained from the PTO by a third party vendor that obtains copies of PTO documents for others. HTC understands that a copy of HTC's 666 page document was sent by the third party vendor to a party named in the Complaint filed by FlashPoint at the ITC. This is the extent of HTC's understanding of the facts in response to the question presented.

Procedural Basis for Filing of HTC's Statement

The above captioned matter is an issued patent for which prosecution is closed and there are no ongoing post-grant proceedings. HTC is not a patent owner of the issued patent. At this particular stage of the the above-captioned matter and given the nature of this Statement by HTC, the procedural rules established by the Patent Office do not explicitly provide a procedure for filing this Statement by HTC. For example, the rules on citation of prior art under 2011 America Invents Act (AIA) issued by the Patent Office are not applicable to this filing. For another example, the rule in 37 CFR 1.97(i) for placing an IDS in a patent file is not applicable here because HTC is not a patent owner or applicant for the issued patent. The undersigned hereby submits this Statement by HTC in connection with USPTO's recent Decision on Petitions mailed November 29, 2012 in the above-captioned matter.

The undersigned leaves the treatment of this submission at the discretion of the Patent Office. No fees are believed to be due for this filing.

Respectfully submitted,

Date: December 31, 2012

/Bing Ai/
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CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2012, I caused a true and correct copy of the STATEMENT IN IN RESPONSE TO DECISION ON PETITIONS DATED NOVEMBER 29, 2012 ON PATENT OWNER'S PETITIONS UNDER 37 CFR 1.182 TO REPLACE AN INFORMATION DISCLOSURE STATEMENT (IDS) to be served via First Class U.S. Mail on the patent owner of U.S. Patent No.: 8,102,457 via its attorney of record at the U.S. Patent Office:

FlashPoint Technology and Withrow & Terranova
100 Regency Forest Drive, Suite 160
Cary, NC 27518

Date: December 31, 2012

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